

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

# UNITED STATES DISTRICT COURT

for the

District of

Division

24 CV 1220

Michael A. HARRIS

Case No.

(to be filled in by the Clerk's Office)

Plaintiff(s)

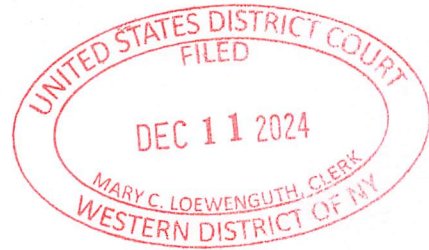
(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

City of LACKAWANNA  
Police Department

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)



## COMPLAINT FOR VIOLATION OF CIVIL RIGHTS (Prisoner Complaint)

### NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name **Michael A. HARRIS**  
 All other names by which you have been known: **MIKEY, MIGHTY MIKE**  
 ID Number \_\_\_\_\_  
 Current Institution \_\_\_\_\_  
 Address **40 Delaware Ave**  
**BUFFALO NY** **14202**  
City State Zip Code

**AND OR 6012 Ruhlmann Rd.**  
**B. The Defendant(s)** **APT #3** **LOCKPORT, N.Y. 14094**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1 **GOVERNMENT AGENCY**  
 Name **CITY OF LACKAWANNA Police Dept.**  
 Job or Title (if known) **police OFFICERS**  
 Shield Number \_\_\_\_\_  
 Employer **CITY OF LACKAWANNA**  
 Address **714 Ridge Rd Suite 101**  
**LACKAWANNA** **NY** **14210**  
City State Zip Code  
☐ Individual capacity ☒ Official capacity

**Defendant No. 2**

Name \_\_\_\_\_  
 Job or Title (if known) \_\_\_\_\_  
 Shield Number \_\_\_\_\_  
 Employer \_\_\_\_\_  
 Address \_\_\_\_\_

City State Zip Code  
☐ Individual capacity ☐ Official capacity

## Defendant No. 3

Name

Job or Title (if known)

Shield Number

Employer

Address

City

State

Zip Code

☐ Individual capacity☐ Official capacity

## Defendant No. 4

Name

Job or Title (if known)

Shield Number

Employer

Address

City

State

Zip Code

☐ Individual capacity☐ Official capacity

## II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐ Federal officials (a *Bivens* claim)

☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

① Amendment IV

② Pursuit of Happiness

③ Racial Profiling

④ Abuse of power by police Agency

⑤ Bias towards mix couples

⑥ improper notification to judicial statute

⑦ Federal Constitutional Statutory

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

### III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (*check all that apply*):

- ☐ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☐ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☒ Other (*explain*)

INCARCERATED FOR 1 YEAR IN COUNTY  
JAIL. CURRENTLY AT 40 DELAWARE AVE  
ICN# 5320

### IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

IV

A - See Attached

#### IV. STATEMENT OF CLAIM

The harassment began, when I, Michael A. Harris, started dating a white woman, the daughter of a Lackawanna city police captain and i was told under no certain terms that a black man will not be allowed to date a white woman, especially a police captain's daughter.

Everytime I driven my vehicle, on or about after 2/1/23, in the city of Lackawanna, I was getting pulled over with no probable cause and being detained against the law by the same group of officers, as my vehicle was being searched illegally without notifications and justification and I was not told why search was being conducted.

They are racially profiling me with Bias.

Lackawanna police showed up at my abode in Blasdel, N.Y., on or about mid October to December 2023 sometime, outside of their jurisdiction, totaling around 8 officers acting, threatening and menacing. They did not enter my abode but lingered outside of my domicile for what seemed to be a long period of time. Unsure of what to do , I was frightened and scared for my life because they were armed with guns.

Due to the harassment with the same group of officers harassing me, I had to divert from my normal route heading to my domicile. Due to the harassment, it added about 45 minutes to my travel time back and forth, to and fro, to my abode.

So I went in the police station on Ridge Road in the city of lackawanna to file a grievance of harassment with the officers superior in the police department.

A Captain in the police department, he did not allow me to fill out a grievance complaint for harassment and ordered me " to get out the police station, and my kind is not welcomed here". This was stated after he checked the dispatch records.

After that encounter, it left me feeling more frightened for my life as the harassment continued.

Two/2 incidents of multiple harrassment i have listed:

1. During, the evening hours, on or about June --August 2023, I was driving through lackawanna with a lady friend and pulled over and both of us were harassed, as my lady freind, Alena D. witnessed firsthand.
2. Another incident, on or about July 2023, I was driving with my cousin, Ronald Collins on South Park Avenue, in the city of Lackawanna and harassed, as my cousin was a witness as well.

Each and everytime, I was pulled over, I was issued an illegal ticket, that i was later able to have dismissed. Being harassed, they gave me numerous tickets and had my vehicle impounded/

C. What date and approximate time did the events giving rise to your claim(s) occur?

- ① Evening hours, on or about June 2023 See  
 ② July 2023 Attached  
 ③ On or about October-Dec 2023 2  
 ④ August 2024

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

See  
 Attached 2

#### V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

See Attached  
 3

#### VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

See Attached  
 4

Attached 2

C. What date and approximate time did the events giving rise to your claim(s) occur?

1. Evening hours, on or about June 2023
2. July 2023
3. On or about October-December 2023
4. On or around August 2024

D. What are the facts underlying your claim(s)?

1. On or about June 2023, in the early hours of the morning, I and a lady friend named Alena D. , was unlawfully pulled over without justification and harassed by one of the officers from the group of officers harassing me

2. Here is an example of one of the times I was harassed. On or about May-July 2023, during the afternoon hours, I was harassed by an officer from the group of officers that I had mentioned before. He verbally harassed me and unlawfully wrote me a ticket, which I did contest and won in traffic court.

3. On or about October-December 2023, the Lackawanna police officers, began harassing me at my house in the Town of Hamburg. They were menancing and what seemed to be threatening because they were brandishing their weapons, not coming in my house, nor knocking on my door, just standing their outside their vehicles. I was frightened by their actions, I had to find different ways to come and leave my abode, due to their frightening harassment.

4. The harassment has been so severe and intense that I could write pages of examples of harassment from the group of Lackawanna police officers.

Attached 3

V. INJURIES

A 1. Mental Duress--- Extreme fear and High Anxiety

2. Financial Duress

3. Physical Duress--- High blood pressure, lack of treatment from having cancer equipment treatment, which impedes my cancer.

B 1. Treatments--- Mental health medications, including Counseling to evaluate my changing behaviors.

2. Monitoring of my blood pressure and unexpected cancer monitoring.



Attached 4

VI. RELIEF

I would like to be compensated for 17 million dollars/ 17,000,000 in american dollars or gold. I would also like for the officers that harassed me , to be held accountable for their actions , including extra training when dealing with the minority race. And I don't feel that i'm a 2nd rate citizen because I am a Black African American

**VII. Exhaustion of Administrative Remedies Administrative Procedures**

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☐ Yes

☒ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☐ Yes

☒ No *It didn't happen here*

☐ Do not know

If yes, which claim(s)?

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- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☐ Yes

☒ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☒ No

- E. If you did file a grievance:

1. Where did you file the grievance?

N/A

2. What did you claim in your grievance?

N/A

3. What was the result, if any?

N/A

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

N/A

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

It didn't Happen in this Facility

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any: NO, Did not Happen in Jail.

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

N/A

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

### VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐ Yes

☒ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s)

Defendant(s)

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition.

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

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☐ Yes☒ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s)

Defendant(s)

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

N/A

N/A

**IX. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: December 5, 2024

Signature of Plaintiff Michael A. Harris

Printed Name of Plaintiff

Prison Identification # 5320

Prison Address 40 DELAWARE AVENUE  
BUFFALO City - NEW YORK State Zip Code 14202

**B. For Attorneys**

Date of signing:

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address

AFFIDAVIT OF SERVICE

STATE OF NEW YORK

COUNTY OF ERIE

CITY OF BUFFALO

I, Michael A. Harris, being duly sworn, depose and say that I have this  
5 day of December, 2024, forward via the United States Postal Service  
copies of the following:

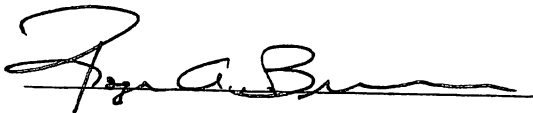
- ① U.S. District Court for the Western  
District of New York  
2 NIAGARA SQUARE  
BUFFALO, N.Y. 14202
- ② City of Lackawanna  
714 Ridge Road Suite 225  
LACKAWANNA, N.Y. 14218
- ③ Office of the New York State Attorney  
General - The Capitol  
ALBANY, N.Y. 12224-0341
- ④ Michael P. Kearns  
92 Franklin Street  
Buffalo, N.Y. 14202

Sworn to me this


5 Day of December, 2024

Michael A. Harris

Defendant



Commissioner of Deeds/Notary

ROGER BRENNAN   
COMMISSIONER OF DEEDS  
In and For the City of Buffalo, Erie County, NY  
My Commission Expires Dec. 31, 2024